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ethnographic boundary of the Min Chia people, for although the *Hsien* of Ta Li, Erh Yuan, and Chien Ch'uan, are wholly Min Chia, they overlap also into districts north, east and west of these three, which include communities of Chinese, Na Khi, Li Su and Tu Li. Nevertheless although the governmental system is identical with that in force in other parts of Yunnan and in China as a whole, it merits description for the very reason that, as the cadre in which Chinese civilisation operates, it is itself the principal cause of contact between the two cultures. It is well known that the Chinese Empire has for many centuries been ruled by a civil service of officials recruited by public examinations, and this civil service ranked higher and had greater authority than the military officers commanding the rather scanty garrisons stationed in the walled cities. After the Chinese revolution the old system fell into confusion, from which it has recently emerged, modernised, but in many respects unchanged. The civil officials of to-day are no longer recruited by annual examinations held in Peking or at some other great city, but they are required to be University graduates, and in recent years they are also required to pass a civil service examination, held in the provincial capital. Their military colleagues, who acquired inordinate power during the years of confusion following the revolution, are now slowly being brought under the control of the provincial government, from which they had largely escaped, and though endowed with more power than they possessed under the Manchu Empire, they can no longer override the civil power whenever they choose.

The *Hsien*, an area rather smaller than an English county, yet of considerable extent, is under the civil rule of the *Hsien Chang*, or Magistrate, who is responsible for the collection of taxes and the administration of justice within certain limitations. He is also in charge of the public works, administers

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691 vocate's fee is one dollar silver a day, but it is usual to employ two or three advocates, and cases may last several days, or be adjourned. In the latter case litigants from distant towns have to remain in Ta Li till the case comes on again, which involves further expense if the litigant has no relatives in the city. For these reasons resort to the civil courts is still regarded as the luxury, or the extravagance, of the wealthy, and does not appeal to the peasants as the obvious expedient for settling disputes.

671 626 In fact, the whole system of criminal and civil jurisprudence rests lightly upon the surface of Min Chia life, a sanction generally ignored, but useful in emergency, rarely touching the life of the ordinary individual. In spite of the reforms of modern times the old passive theory of government still operates in practice in such places as Ta Li. The 829 642 626 duties of the government in former times were three; to collect taxes, to maintain order, and—a long way after the other two—to carry out such public works as were absolutely necessary. This theory, though no longer admitted, is still very much the practice; the idea that the government has duties of a positive kind towards the people gains way only slowly, and the corresponding realisation of a duty of the citizen to co-operate with the government makes even slower progress. Government is the business of officials, war the business of soldiers, commerce concerns merchants, and agriculture is all a farmer need think about; these were the old axioms, and in practice they still hold fast. The people neither expect nor desire the government to busy itself with their concerns; if a market is held in some out of the way spot in the countryside, hundreds of people with large quantities of merchandise and money assemble, but they do not expect or require the protection or presence of the police. A dispute over the water rights in rice lands, a matter vital to the villagers, is taken, not to the courts, but

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to the village elders and the arbitrators they agree to appoint. The government is not informed, nor does it wish to know what is decided.

This indifference to and independence of the government is carried over to matters of criminal nature, where the law might be expected to take an automatic course. In practice the people rarely invoke the law except in cases of armed robbery. A bandit is not a person towards whom one needs to use any consideration; if he has a family they will probably have disowned him to avoid being held as accomplices in his crimes. Therefore with a bandit one can safely call in the forces of law and order, since no unpleasant social relations with other members of his family are likely to result from such action. But with other kinds of criminals this factor is always present. The villagers themselves prefer to deal with a thief in their own way, sometimes a very drastic way, for if a man is found to be an incorrigible petty thief, the village assembles, sometimes asks and obtains the consent of the man's family, and either drives him out or even puts him to death by drowning. Consequently between the penalties enacted for various crimes and what actually happens to a detected criminal who has committed such a crime, there is often a wide difference. This is nowhere more evident than in crimes of a sexual nature.

Unlike their neighbours to the north, the Na Khi, who still retain a tolerance of pre-nuptial intercourse shocking to the Chinese, the Min Chia have wholly adopted the strict and uncompromising morality of the dominant culture. As has been mentioned, the seduction of a virgin, or even of an unmarried girl previously seduced by another (if such a case occurred), is not merely sin, it is a crime, which is punishable by a sentence of two or three years' imprisonment for the man concerned. The girl is not held guiltless of course, but the law takes no account of her fate, which is left to her